



February 02, 2021

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

STUDENTS FOR FAIR )  
ADMISSIONS, INC., )

Plaintiff, )

VS. )

UNIVERSITY OF TEXAS AT )  
AUSTIN, )  
ET AL., )

Defendants.

CIVIL ACTION

NO.: 1:20-cv-00763-RP

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ORAL AND VIDEOTAPED DEPOSITION OF

████████████████████  
FEBRUARY 2, 2021

VOLUME #1  
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ORAL AND VIDEOTAPED DEPOSITION OF ██████████

██████████, produced as a witness at the instance of  
the DEFENDANT, and duly sworn, was taken in the  
above-styled and numbered cause on February 2, 2021,  
from 9:35 a.m. to 11:48 a.m. via Zoom before Miah  
Hoffman, CVR in and for the State of Texas, reported by  
oral stenography, pursuant to the Federal Rules of Civil  
Procedure and the provisions stated on the record or  
attached hereto.

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ALSO PRESENT:


JOSEPH (JODY) HUGHES: Associate Vice President For  
Legal Affairs (UT)

KTA HOST: DEA BROWN

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## EXHIBITS

\* There were no exhibits to this deposition

## CERTIFIED QUESTIONS

NO.		PAGE/LINE
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## P R O C E E D I N G S

REPORTER: We are on the record. Today's date is February 2nd, 2021. The time is 9:35 a.m. This is the oral deposition of [REDACTED], and it is being conducted remotely by agreement of the parties or in accordance with current Emergency Orders. The witness is attending from [REDACTED].

My name is Miah Hoffman, CVR #7859 with Kim Tindall & Associates. I am administering the oath and reporting the deposition remotely by oral stenographic means.

My business address is 16414 San Pedro Avenue, Suite 900, San Antonio, Texas 78232. The witness has been identified to me through attestation of his counsel.

Would counsel please state their appearances for the record?

MR. MCKETTA: This is Mike McKetta for defendants.

MR. POWERS: Matt Powers also for defendants.

MR. CONNOLLY: Michael Connolly for the plaintiff.

MS. SIMPSON: Carter Simpson for the

defendant, Intervenors.

MR. HINOJOSA: David Hinojosa for the  
Intervenors.

(Witness duly sworn.)

having been first duly sworn, testified as follows:

EXAMINATION

BY MR. MCKETTA:

MR. MCKETTA: Thank you. Mike do you  
want to just incorporate the stipulations that you  
recited yesterday or do you want to repeat them?

MR. CONNOLLY: Yeah. Would you mind if I  
repeated them?

MR. MCKETTA: Fine.

MR. CONNOLLY: So this -- these are the  
stipulations that the parties agreed to before -- before  
the deposition. During this deposition it is possible  
that UT or the Intervenors will ask questions that SFFA  
believes infringe upon the First Amendment associational  
rights of SFFA and its members. SFFA may instruct the  
witness not to answer a question on these grounds. If a  
disagreement arises as to whether this instruction is  
improper, the parties agree to do their best to resolve  
the disagreement during the deposition or if necessary,  
before the Court. SFFA agrees that UT and the

1 Q. (BY MR. MCKETTA) Would you please give me  
2 either an accurate number or a best estimate, but  
3 without names, of how many SFFA members you personally  
4 know?

5 A. Probably three or four.

6 Q. Okay. Again, without giving me names, are  
7 they from your high school?

8 A. No.

9 Q. Okay. Have you ever been furnished or given  
10 an opportunity to obtain a complete membership list of  
11 SFFA?

12 MR. CONNOLLY: Objection to the form.

13 THE WITNESS: No.

14 Q. (BY MR. MCKETTA) When you receive e-mails that  
15 you believe are directed to SFFA members generally are  
16 the other members email addresses revealed to you on  
17 those e-mails?

18 MR. CONNOLLY: Objection to the form.

19 THE WITNESS: I -- I don't think so.

20 Q. (BY MR. MCKETTA) There's a common method of  
21 sending e-mails to a large group with the BCC feature  
22 that would not reveal other recipients. Do you know if  
23 that's how you receive e-mails that are sent by SFFA?

24 A. I'm not positive, to be honest.

25 Q. [REDACTED], you're now a sophomore, are you not?



1 Q. (BY MR. MCKETTA) Just a yes or no.

2 A. No.

3 Q. Tell me, if you would, the benefit to you  
4 personally that you expect if SFFA were to win this  
5 lawsuit?

6 MR. CONNOLLY: Objection to the form.

7 THE WITNESS: For me personally, I'll be  
8 able to apply to transfer to UT and be considered  
9 fairly, and possibly apply there for grad school as  
10 well.

11 Q. (BY MR. MCKETTA) Would you not -- suppose this  
12 lawsuit has not ended by the time you graduate, does  
13 that mean you would not apply to the University of Texas  
14 for graduate school?

15 MR. CONNOLLY: Objection to the form.

16 THE WITNESS: It doesn't mean that.  
17 Because a lot of people in my industry go to work for a  
18 few years and they come back for graduate school and  
19 paid for, which I would for sure be interested in doing.

20 Q. (BY MR. MCKETTA) Have you been -- this again,  
21 is a yes or no question. Have you been invited to vote,  
22 whether you did or did not vote, have you been invited  
23 to vote on anything related to SFFA?

24 MR. CONNOLLY: Objection to the form.

25 THE WITNESS: I'm not sure.

1 MR. MCKETTA: Yes.

2 MR. CONNOLLY: And the third one, has he  
3 ever -- has he ever voted --

4 MR. MCKETTA: On any SFFA matter.

5 MR. CONNOLLY: Any SFFA matter. Yes, the  
6 instruction stands on all three of those questions.

7 Q. (BY MR. MCKETTA) [REDACTED], do you  
8 know if SFFA has directors?

9 A. Yes, I believe they do.

10 Q. Do you know whether members participate in  
11 electing any one or more of those directors?

12 A. I believe they are capable of doing so, yes.

13 Q. For how many?

14 A. I think it's one.

15 Q. There --

16 A. I -- I think it's just one.

17 Q. And you can't recall if you were ever invited  
18 to vote for that one director?

19 A. No. No, I cannot recall.

20 MR. MCKETTA: Okay. I'm through with the  
21 questions. Thank you very much for your courtesy and  
22 answering my questions.

23 BY MS. SIMPSON:

24 Q. All right. Hi, my name's Carter Simpson and  
25 I'm an attorney at Hunton Andrews Kurth and I represent

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REPORTER'S CERTIFICATE  
OF [REDACTED]

I, Miah Hoffman, CVR, do hereby certify that the  
foregoing deposition is a full, true and correct  
transcript;

That the foregoing deposition of Witness,  
[REDACTED] the Witness, hereinbefore  
named was at the time named, taken by me in oral  
stenograph on February 2, 2021, the said Witness having  
been by me first duly cautioned and sworn to tell the  
truth, the whole truth, and nothing but the truth, and  
the same were thereafter reduced to typewriting by me or  
under my direction. The charge for the completed  
deposition is \$ \_\_\_\_\_ due from Defendant;

( ) That pursuant to the Federal Rules of Civil procedure, the Witness shall have 30 days after being notified by certified mail, return receipt requested, by the deposition officer that the original deposition transcript is available in her office for review and signature by the Witness and if any corrections made are attached hereto;

( ) That by agreement of counsel, a reading condensed copy of the deposition transcript along with the full-sized original Changes and Signature Sheet has been sent to \_\_\_\_\_ on \_\_\_\_\_ for review and signature within 30 days and if any corrections returned are attached hereto;

( ) That by agreement of counsel, the deposition officer is instructed to release the original deposition transcript to \_\_\_\_\_ on \_\_\_\_\_ for review and signature, and the deposition officer is thereafter released of any further responsibility with regard to the original;

( ) That the witness shall have thirty (30) days for review and signature of the original transcript and if any corrections returned are attached hereto;

( ) That the signed transcript ( ) was ( ) was not received from the Witness within 30 days;

( ) That the examination and signature of the  
Witness is waived by the Witness and the parties;

That the amount of time used by each party at  
the deposition is as follows:

Mr. McKetta: 00 HOURS:52 MINUTE(S)  
Ms. Simpson: 01 HOURS:30 MINUTE(S)  
Mr. Connolly: 00 HOURS:01 MINUTE(S)

I further certify that I am neither counsel for,  
related to, nor employed by any of the parties or  
attorneys in this action in which this proceeding was  
taken, and further that I am not financially or  
otherwise interested in the outcome of the action.

Certified to by me this 5th day of February,  
2021.



---

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